

Nat'l Highway Traffic Safety Admin., DOT

§ 511.22

prepaid (or by delivering in person) a copy to each such party.

Dated at _____ this ____ day of _____, 19 ____.

(Signature) _____
For _____

(g) *Date of service.* The date of service of a document shall be the date on which the document is deposited in the United States mail or is delivered in person.

[45 FR 81578, Dec. 11, 1980, as amended at 53 FR 15783, May 3, 1988]

§ 511.17 Public participation.

Participant Status. Any person interested in a proceeding commenced pursuant to § 511.11 who desires to participate in the proceeding, shall file with the Docket Section a notice of intention to participate in the proceeding and shall serve a copy of such notice on each party to the proceeding. A notice of intention to participate shall be filed not later than the commencement of the hearing. Untimely filings will not be accepted absent a determination by the Presiding Officer that the person making the request has made a substantial showing of good cause for failure to file on time. Any person who files a notice to participate in the proceeding as a nonparty shall be known as a "participant" and shall have the rights specified in § 511.41(d).

[53 FR 15783, May 3, 1988]

§ 511.18 Joinder of proceedings.

Two or more matters which have been scheduled for adjudicative proceedings, and which involve one or more common questions of law or fact, may be consolidated for the purpose of hearing, appeal or the Administrator's review. A motion for consolidation for the purpose of hearing may be filed with the Presiding Officer by any party to such proceedings not later than thirty (30) days prior to the hearing. A motion for consolidation for the purpose of appeal may be filed by any party to such proceedings within 10 days after issuance of the Initial Decision. A motion to consolidate shall be served upon all parties to all proceedings whose joinder is contemplated. The proceedings may be consolidated where to do so would tend to avoid unnecessary

costs or delay. Such consolidation may also be ordered upon the initiative of the Presiding Officer or the Administrator, as appropriate. The Presiding Officer may order separate hearings on any issue where to do so would promote economy or convenience or would avoid prejudice to a party.

Subpart C—Prehearing Procedures; Motions; Interlocutory Appeals; Summary Judgment; Settlement

§ 511.21 Prehearing conferences.

(a) *When held.* (1) A prehearing conference shall be held in person or by conference telephone call, except in unusual circumstances, approximately fifty (50) days after publication in the FEDERAL REGISTER of the complaint, upon ten (10) days notice to all parties and participants, to consider any or all the following:

(i) Motions for consolidation of proceedings;

(ii) Identification, simplification and clarification of the issues;

(iii) Necessity or desirability of amending the pleadings;

(iv) Stipulations and admissions of fact and of the content and authenticity of documents;

(v) Oppositions to notices of oral examination;

(vi) Motions for protective orders to limit or modify discovery;

(vii) Issuance of subpoenas to compel the appearance of witnesses and the production of documents;

(viii) Limitation of the number of witnesses, particularly the avoidance of duplicate expert witnesses;

(ix) Matters of which official notice will be taken and matters which may be resolved by reliance upon findings of other Federal agencies; and

(x) Other matters which may expedite the conduct of the hearing.

§ 511.22 Prehearing briefs.

Not later ten (10) days prior to the hearing, the parties shall, except when ordered otherwise by the Presiding Officer in unusual circumstances, simultaneously serve and file prehearing briefs, which shall set forth (a) a statement of the facts expected to be proved, and of the anticipated order of